IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 1219 (S/S) of 2001
(Old No. 40354 of 1999)
Smt. Parwati Kirola .... Petitioner.

Versus

Joint Director of Education, Kumaon
Region, Nainital and four others. .... Respondents.

.....

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner seeking writ of certiorari to quash the impugned order dated 02.08.1999 passed by respondent No.1, contained in Annexure No.7 to the writ petition with further prayer directing the respondents to promote and treat the petitioner as L.T. Grade teacher on adhoc basis w.e.f. 12.08.1991 and pay her salary as L.T. Grade teacher since then.

The petitioner earlier filed writ petition in the High Court Allahabad bearing No.34701 of 1993, which was finally disposed of on 21.02.1998 with the direction to respondent No.1 to decide the representation of the petitioner within three months in accordance with law.

The respondent No.1 in compliance of the aforesaid order disposed of the representation of the petitioner rejecting the same by the impugned order.

The petitioner filed this petition on the ground, inter alia, that the respondent No.1 has completely misread and misinterpreted the Government Order and case laws cited in support of the representation.

The case of the petitioner is that she was appointed on 27.03.1980 as assistant teacher in the B.T.C. Grade and her appointment was approved on 05.05.1980. The petitioner

was promoted as Assistant Teacher in L.T. Grade on 12.08.1991 against substantive vacancy and, therefore, the petitioner makes a claim for payment of salary of the said post with consequential benefits. The respondents contended that the law does not permit direct promotion from B.T.C. to L.T. Grade and prescribed provisions require prescribed period of satisfactory service in C.T.Grade before a promotion to the post of Assistant Teacher in L.T. Grade.

The learned counsel for the petitioner contended that by virtue of the provisions contained in the relevant Government Orders the petitioner became automatically entitled to C.T. Grade after prescribed period of service and, therefore, promotion given to her in L.T. Grade is valid and proper.

The same controversy has been decided by the High Court Allahabad in **Civil Misc. Writ Petition No.16360 of 1991, Smt.Aruna Ghosh versus State of U.P. and others on 08.02.1995,** in which it has been held that the petitioner was entitled to be given C.T. Grade from due date and the claim of the petitioner for L.T.Grade required to be considered at the level of the District Inspector of Schools in accordance with law and in the light of the observation made in the body of the judgment.

Accordingly, the writ petition succeeds and is allowed in same terms and conditions, which were held in the aforesaid judgment. No order as to costs.

(P.C. Verma, J.)

12.09.2003
P.Singh